



An
Bord
Pleanála

Board Direction
06D.RL3582

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26.04.2018.

The Board decided, as set out in the following Order, that

WHEREAS a question has arisen as to whether internal works comprising the full closure of a single door connection within the party wall/separating wall at both the ground and first floor levels to the adjoining building or is not development and is, or is not, exempted development.

AND WHEREAS PhoneWatch requested a declaration on this question from Dun Laoghaire Rathdown Council and the Council issued a declaration on the 19th day of April, 2017 stating that the matter was development and was not exempted development:

AND WHEREAS PhoneWatch referred this declaration for review to An Bord Pleanála on the 16th day of May, 2017:

AND WHEREAS An Bord Pleanála, in the light of the documentation on file, and the content of the declaration, has reformulated the question as follows:

“Whether the vertical sub-division of units 3 and 4 by the closure of two

internal door openings in the party wall between the units at ground and first floor level is or is not development and is, or is not, exempted development.”

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1), (3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Parts 1 and 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The proposed internal works comprising the closure of two internal door openings in the party wall between units 3 and 4 would constitute “works” that are “development” under section 3 of the Planning and Development Act 2000 (as amended).
- (b) The works necessary to subdivide the unit into two office units come within the scope of section 4(1)(h) of the Act, being works which affect only the interior of the structure and are thus exempted development.
- (c) The subdivision into two office units would not give rise to increased traffic movements or any other activity that would have material consequences in terms of the proper planning and sustainable development of the area, and therefore would not constitute a material change of use.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred

on it by section 5 (3) (a) of the 2000 Act, hereby decides that the vertical subdivision Units 3 and 4 by the closure of two internal door openings in the party wall between the units at ground and first floor level is development and is exempted development.

Board Member

Date: 27.04.2018

Terry Prendergast